

# EXHIBIT A

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MARIA GUADALUPE DIAZ; A.D., a  
minor by and through his Guardian Ad  
Litem, MARIA GUADALUPE DIAZ;  
A.D., a minor by and through his  
Guardian Ad Litem, MARIA  
GUADALUPE DIAZ; LEONARDO  
DIAZ; and RAMONA RAMIREZ DE  
DIAZ,

Plaintiffs,

vs.

CITY OF TORRANCE; ARTURO  
CASTILLO; CODY WISSLER; JESUS  
GARCIA; JASON BERMUDEZ; and  
DOES 6+10, inclusive,

Defendants.

Case No. 2:25-cv-03389-JLS (JCx)

**PROPOSED FIRST AMENDED  
COMPLAINT FOR DAMAGES**

1. Unreasonable Search and Seizure—  
Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—  
Denial of Medical Care (42 U.S.C.  
§ 1983)
3. Substantive Due Process (42 U.S.C.  
§ 1983)
4. Battery (Wrongful Death and  
Survival Damages)
5. Negligence (Wrongful Death and  
Survival Damages)
6. Violation of Bane Act (Cal. Civil  
Code § 52.1)

**DEMAND FOR JURY TRIAL**

**COMPLAINT FOR DAMAGES**

1. Plaintiffs MARIA GUADALUPE DIAZ; A.D., a minor by and through his  
Guardian Ad Litem, MARIA GUADALUPE DIAZ; A.D., a minor by and through

1 his Guardian Ad Litem, MARIA GUADALUPE DIAZ; LEONARDO DIAZ; and  
2 RAMONA RAMIREZ DE DIAZ, for their complaint against Defendants CITY OF  
3 TORRANCE, ARTURO CASTILLO, CODY WISSLER, JESUS GARCIA,  
4 JASON BERMUDEZ and Does 64-10, inclusive, allege as follows:

#### 5 **INTRODUCTION**

6 2. This civil rights action seeks compensatory and punitive damages from  
7 Defendants for violating various rights under state law and the United States  
8 Constitution in connection with the fatal officer involved shooting of Leonardo  
9 Diaz (“DECEDENT”), by members of the Torrance Police Department (“TPD”).

#### 10 **PARTIES**

11 3. At all relevant times, Leonardo Diaz (“DECEDENT”), was an individual  
12 residing in the County of Los Angeles, California.

13 4. Plaintiff MARIA GUADALUPE DIAZ is an individual residing in the  
14 County of Los Angeles, and was the wife of the DECEDENT. MARIA  
15 GUADALUPE DIAZ sues both in her individual capacity as the wife of  
16 DECEDENT and in a representative capacity as a successor-in-interest to  
17 DECEDENT. Plaintiff MARIA GUADALUPE DIAZ seeks both survival  
18 damages, including DECEDENT’s pain and suffering and loss of enjoyment of life  
19 and wrongful death damages under state and federal law.

20 5. Plaintiff A.D. is a minor individual residing in the County of Los Angeles,  
21 California, and is the natural born son to DECEDENT. A.D. sues by and through  
22 his natural mother and Guardian Ad Litem, MARIA GUADALUPE DIAZ. A.D.  
23 sues both in his individual capacity as the son of DECEDENT and in a  
24 representative capacity as a successor-in-interest to DECEDENT. A.D. seeks both  
25 survival and wrongful death damages under federal and state law.

26 6. Plaintiff A.D. is a minor individual residing in the County of Los Angeles,  
27 California, and is the natural born son to DECEDENT. A.D. sues by and through  
28 his natural mother and Guardian Ad Litem, MARIA GUADALUPE DIAZ. A.D.

1 sues both in his individual capacity as the son of DECEDENT and in a  
2 representative capacity as a successor-in-interest to DECEDENT. A.D. seeks both  
3 survival and wrongful death damages under federal and state law.

4 7. Plaintiff LEONARDO DIAZ is an individual residing in the County of Los  
5 Angeles, California, and is the natural father to DECEDENT. LEONARDO DIAZ  
6 sues in his individual capacity as the father of DECEDENT. LEONARDO DIAZ  
7 seeks wrongful death damages under state and federal law.

8 8. Plaintiff RAMONA RAMIREZ DE DIAZ is an individual residing in Los  
9 Angeles County, Los Angeles, and is the natural mother to DECEDENT.  
10 RAMONA RAMIREZ DE DIAZ sues in her individual capacity as the mother of  
11 DECEDENT. RAMONA RAMIREZ DE DIAZ seeks wrongful death damages  
12 under state and federal law.

13 9. At all relevant times, Defendant CITY OF TORRANCE ("CITY") is and  
14 was a duly organized public entity, form unknown, existing under the laws of the  
15 State of California. At all relevant times, CITY was the employer of Defendants  
16 ARTURO CASTILLO, CODY WISSLER, JESUS GARCIA, and JASON  
17 BERMUDEZ DOES 1-4, who were CITY police officers, DOES 5-6, who were  
18 CITY police officers' supervisorial officers, and DOES 7-10, who were  
19 managerial, supervisorial, and policymaking employees of the CITY's police  
20 department. On information and belief, at all relevant times, ARTURO  
21 CASTILLO, CODY WISSLER, JESUS GARCIA, JASON BERMUDEZ, and  
22 DOES 6-10 were residents of the County of Los Angeles, California. ARTURO  
23 CASTILLO, CODY WISSLER, JESUS GARCIA, JASON BERMUDEZ and  
24 DOES 6-10 are sued in their individual capacity for damages only.

25 10. At all relevant times, Defendants Arturo Castillo, Cody Wissler, Jesus  
26 Garcia, Jason Bermudez and DOES 6-10 were duly authorized employees and  
27 agents of CITY, who were acting under color of law within the course and scope of  
28

1 their respective duties as sheriff's deputies and with the complete authority and  
2 ratification of their principal, Defendant CITY.

3 11. At all relevant times, Defendants Arturo Castillo, Cody Wissler, Jesus  
4 Garcia, Jason Bermudez and DOES 64-10 were duly appointed officers and/or  
5 employees or agents of CITY, subject to oversight and supervision by CITY's  
6 elected and non-elected officials.

7 12. In doing the acts and failing and omitting to act as hereinafter described,  
8 Defendants Arturo Castillo, Cody Wissler, Jesus Garcia, Jason Bermudez and  
9 DOES 64-10 were acting on the implied and actual permission and consent of  
10 CITY.

11 13. At all times mentioned herein, each and every CITY defendant was the  
12 agent of each and every other CITY defendant and had the legal duty to oversee and  
13 supervise the hiring, conduct and employment of each and every CITY defendant.

14 14. The true names of defendants DOES 64 through 10, inclusive, are unknown  
15 to PLAINTIFFS, who therefore sue these defendants by such fictitious names.  
16 PLAINTIFFS will seek leave to amend this complaint to show the true names and  
17 capacities of these defendants when they have been ascertained. Each of the  
18 fictitious named defendants is responsible in some manner for the conduct and  
19 liabilities alleged herein.

20 15. On January 28, 2025, PLAINTIFFS served their claims for damages with  
21 CITY pursuant to applicable sections of the California Government Code.

22 16. On February 13, 2025, CITY rejected PLAINTIFFS' claims for damages.

23 **JURISDICTION AND VENUE**

24 17. This civil action is brought for the redress of alleged deprivations of  
25 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
26 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
27 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.  
28

1 18. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
2 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
3 action occurred in, the County of Los Angeles, California.  
4

5 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

6 19. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
7 through 18 of this Complaint with the same force and effect as if fully set forth  
8 herein.

9 20. On December 2, 2024, DECEDENT was on the 2900 Block of Oregon  
10 Court, in Torrance. While at this location, Arturo Castillo, Cody Wissler, Jesus  
11 Garcia, and Jason Bermudez ~~the involved CITY police officers~~ discharged their  
12 firearms at DECEDENT, striking him, causing serious physical injury and  
13 eventually killing him.

14 21. ~~The~~ Arturo Castillo, Cody Wissler, Jesus Garcia, Jason Bermudez and  
15 ~~involved officers~~ saw that DECEDENT was injured and bleeding, including from  
16 the wrist, prior to the shooting DECEDENT. These injuries may have been self-  
17 inflicted and should have put the involved officers on notice that DECEDENT  
18 likely suffered from mental illness and was probably having a mental health crisis.  
19 It was obvious, or should have to an objectively reasonable officer, that  
20 DECEDENT that may have been experiencing a mental health crisis prior to the  
21 shooting.

22 22. DECEDENT had a flat head screwdriver at the time of the incident and he  
23 was not armed with a knife or gun, during the encounter with police. The  
24 screwdriver in Decedent's hand did not resemble a knife or a gun, and was, or  
25 should have been, easily distinguishable from a knife or a gun, especially since this  
26 incident happened in broad daylight. This screwdriver remained down by  
27 DECEDENT's side and DECEDENT never make any slashing or stabbing motions  
28

1 with the screwdriver. Further, DECEDENT never physically injured any other  
2 person with the screwdriver, nor did he attempt to do so.

3 23. The DECEDENT was walking at a slow pace at the time of the incident and  
4 he never ran or charged at the involved officers. Further, the officers were behind  
5 cover and were positioned out in the open with plenty of space to safely tactically  
6 reposition themselves if necessary.

7 24. Multiple officers fired their weapons at DECEDENT during the incident  
8 supporting that this was a contagious/sympathetic fire situation.

9 25. DECEDENT never attempted to attack or physically injure any of the  
10 involved officers or anyone else during the incident.

11 26. There were less than lethal alternatives to using deadly force against  
12 DECEDENT, especially since he only had a screwdriver and the involved officers  
13 greatly outnumbered DECEDENT. On information and belief, some of the  
14 involved officers were armed with less-than-lethal weapons such as the beanbag  
15 shotgun and/or the 40mm launcher, taser guns, pepper spray and could have  
16 maintained cover, distance from the DECEDENT and safely tactically  
17 repositioning themselves. DECEDENT was also significantly outnumbered by the  
18 involved officers and he did not physically injure anyone, including the involved  
19 officers, during the incident nor did he attempt to do so.

20 27. DECEDENT did not pose an immediate or imminent threat of death or  
21 serious physical injury to either the involved officers or any other person at the time  
22 of the shooting. DECEDENT was not about to kill or cause serious bodily injury to  
23 anyone when he was fatally shot by the involved officers and DECEDENT never  
24 attempted to disarm or grab any of the officers' weapons. The conduct of  
25 DECEDENT was not immediately life threatening, making the use of deadly force  
26 against him unnecessary.

27 28. On information and belief, after shooting DECEDENT, the involved  
28 officers waited for a significant amount of time before approaching DECEDENT

1 and providing and/or summoning medical attention for DECEDENT, despite  
2 DECEDENT visibly bleeding profusely from his injuries. The involved officers  
3 did not provide timely medical care to DECEDENT, they did not timely summons  
4 medical assistance for DECEDENT, and/or they prevented medical assistance from  
5 being timely provided to DECEDENT.

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#### **FIRST CLAIM FOR RELIEF**

##### **Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)**

(By Plaintiffs Maria Guadalupe Diaz, A.D. and A.D. against Does 1-4)

29. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 28 of this Complaint with the same force and effect as if fully set forth herein.

30. The involved officers unjustified shooting deprived DECEDENT of his right to be secure in his persons against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

31. The unreasonable use of force by Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez ~~involved officers~~ deprived DECEDENT of his right to be secure in his person against unreasonable searches and seizures as guaranteed to him under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment. This unreasonable and excessive use of force includes fatally shooting an individual holding a flat-head screwdriver, who was already visibly injured and bleeding, including bleeding from the wrist from possibly self-inflicted wounds and displaying obvious signs of possibly suffering



1 from a mental health crisis. There were also several less than lethal alternatives  
2 such as the bean bag shotgun or 40mm launcher, tasers and pepper spray,  
3 maintaining cover and distance from DECEDENT and tactically re-positioning  
4 themselves. DECEDENT was also significantly outnumbered by the involved  
5 police officers and some of the involved officers did not fire their guns, which  
6 further supports that a reasonable officer under similar circumstances would not  
7 have found it appropriate to use deadly force under against DECEDENT.

8 32. As a result, DECEDENT suffered extreme mental and physical pain  
9 and suffering, loss of enjoyment of life and eventually suffered a loss of life and of  
10 earning capacity. Plaintiffs have also been deprived of the life-long love,  
11 companionship, comfort, support, society, care, and sustenance of DECEDENT, and  
12 will continue to be so deprived for the remainder of her natural life.

13 33. As a result of the conduct of the Arturo Castillo, Cody Wissler, Jesus  
14 Garcia and Jason Bermudez ~~involved officers~~, they are liable for DECEDENT's  
15 injuries, either because they were integral participants in the excessive force, or  
16 because they failed to intervene to prevent these violations.

17 34. This use of deadly force was excessive and unreasonable under the  
18 circumstances, especially since DECEDENT was only holding a screwdriver, he  
19 never made any slashing or stabbing motions with the screwdriver, he never  
20 physically injured anyone, including with the screwdriver, nor did he attempt to do  
21 so, he did take or try to obtain any of the officers' guns and he did not pose an  
22 immediate threat of death or serious bodily injury at the time of the shooting.  
23 Defendants' actions thus deprived DECEDENT of his right to be free from  
24 unreasonable searches and seizures under the Fourth Amendment and applied to  
25 state actors by the Fourteenth Amendment.

26 35. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
27 Bermudez ~~the involved officers~~ was willful, wanton, malicious, and done with  
28

1 reckless disregard for the rights and safety of DECEDENT and therefore warrants  
2 the imposition of exemplary and punitive damages as to the involved officers.

3 36. Plaintiffs bring this claim as successor-in-interest to the DECEDENT,  
4 and seek both survival damages, including DECEDENT's pain and suffering and  
5 loss of life/enjoyment of life and wrongful death damages for the violation of  
6 DECEDENT's rights.

7 37. Plaintiffs also seek attorney fees under this claim.  
8  
9  
10  
11

12 **SECOND CLAIM FOR RELIEF**

13 **Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

14 (By Plaintiffs Maria Guadalupe Diaz, A.D. and A.D. against Does 1-4)

15 38. Plaintiffs repeat and reallege each and every allegation in paragraphs 1  
16 through 37 of this Complaint with the same force and effect as if fully set forth  
17 herein.

18 39. The denial of medical care by Arturo Castillo, Cody Wissler, Jesus  
19 Garcia and Jason Bermudez ~~Defendant Does 1-4~~ deprived DECEDENT of his right  
20 to be secure in his person against unreasonable searches and seizures as guaranteed  
21 to DECEDENT under the Fourth Amendment to the United States Constitution and  
22 applied to state actors by the Fourteenth Amendment.

23 40. As a result, DECEDENT suffered extreme mental and physical pain  
24 and suffering and eventually suffered a loss of life and earning capacity. Plaintiffs  
25 have also been deprived of the life-long love, companionship, comfort, support,  
26 society, care, and sustenance of DECEDENT, and will continue to be so deprived  
27 for the remainder of their natural lives. Plaintiffs are also claiming funeral and  
28 burial expenses and a loss of financial support.

1 41. Defendants Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
2 Bermudez ~~Does 1-4~~ knew that failure to provide timely medical treatment to  
3 DECEDENT could result in further significant injury or the unnecessary and wanton  
4 infliction of pain, but disregarded that serious medical need, causing DECEDENT  
5 great bodily harm and death.

6 42. After shooting DECEDENT multiple times, Arturo Castillo, Cody  
7 Wissler, Jesus Garcia and Jason Bermudez ~~DOES 1-4~~ did not timely summons  
8 medical attention for DECEDENT, who was bleeding profusely and had obvious  
9 serious injuries.; Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez  
10 ~~and DOES 1-4~~ also did not allow and prevent~~ed~~ responding medical personnel on-  
11 scene to timely render medical aid/assistance to DECEDENT.

12 43. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
13 Bermudez ~~Does 1-4~~ was willful, wanton, malicious, and done with reckless  
14 disregard for the rights and safety of DECEDENT and therefore warrants the  
15 imposition of exemplary and punitive damages as to Defendants -Arturo Castillo,  
16 Cody Wissler, Jesus Garcia and Jason Bermudez ~~Does 1-4~~.

17 44. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
18 and seek both survival and wrongful death damages for the violation of  
19 DECEDENT's rights.

20 45. Plaintiffs also seek attorney's fees under this claim.

21 **THIRD CLAIM FOR RELIEF**

22 **Substantive Due Process (42 U.S.C. § 1983)**

23 (By All Plaintiffs Against Defendants -Arturo Castillo, Cody Wissler, Jesus Garcia  
24 and Jason Bermudez ~~DOES 1-4~~)

25 46. -Plaintiffs repeat and reallege each and every allegation in  
26 paragraphs 1 through 44 of this Complaint with the same force and effect as if fully  
27 set forth herein.  
28

1 47. -MARIA GUADALUPE DIAZ and had a cognizable interest under the  
2 Due Process Clause of the Fourteenth Amendment of the United States Constitution  
3 to be free from state actions that deprive her of life, liberty, or property in such a  
4 manner as to shock the conscience, including but not limited to, unwarranted state  
5 interference in Plaintiff's familial relationship with her husband, DECEDENT.

6 48. -A.D. had a cognizable interest under the Due Process Clause of the  
7 Fourteenth Amendment of the United States Constitution to be free from state  
8 actions that deprive him of life, liberty, or property in such a manner as to shock the  
9 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
10 familial relationship with his father, DECEDENT.

11 49. -A.D. had a cognizable interest under the Due Process Clause of the  
12 Fourteenth Amendment of the United States Constitution to be free from state  
13 actions that deprive him of life, liberty, or property in such a manner as to shock the  
14 conscience, including but not limited to, unwarranted state interference in Plaintiff's  
15 familial relationship with his father, DECEDENT.

16 50. -LEONARDO DIAZ had a cognizable interest under the Due Process  
17 Clause of the Fourteenth Amendment of the United States Constitution to be free  
18 from state actions that deprive him of life, liberty, or property in such a manner as to  
19 shock the conscience, including but not limited to, unwarranted state interference in  
20 Plaintiff's familial relationship with his son, DECEDENT.

21 51. -RAMONA RAMIREZ DE DIAZ had a cognizable interest under the  
22 Due Process Clause of the Fourteenth Amendment of the United States Constitution  
23 to be free from state actions that deprive her of life, liberty, or property in such a  
24 manner as to shock the conscience, including but not limited to, unwarranted state  
25 interference in Plaintiff's familial relationship with her son, DECEDENT.

26 52. As a result of the excessive force by- Arturo Castillo, Cody Wissler,  
27 Jesus Garcia and Jason Bermudez DOES 1-4, and their failure to intervene,  
28 DECEDENT died. Plaintiffs MARIA GUADALUPE DIAZ; A.D., A.D.,

1 LEONARDO DIAZ and RAMONA RAMIREZ DE DIAZ were thereby deprived of  
2 their constitutional right of familial relationship with DECEDENT.

3 53. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez Does  
4 1-4, acting under color of state law, thus violated the Fourteenth Amendment rights  
5 of MARIA GUADALUPE DIAZ; A.D., A.D., LEONARDO DIAZ and RAMONA  
6 RAMIREZ DE DIAZ to be free from unwarranted interference with their familial  
7 relationship with DECEDENT.

8 54. The aforementioned actions of Arturo Castillo, Cody Wissler, Jesus  
9 Garcia and Jason Bermudez DOES 1-4, along with other undiscovered conduct,  
10 shock the conscience, in that they acted with deliberate indifference to the  
11 constitutional rights of DECEDENT and Plaintiffs MARIA GUADALUPE DIAZ;  
12 A.D., A.D., LEONARDO DIAZ and RAMONA RAMIREZ DE DIAZ and with  
13 purpose to harm unrelated to any legitimate law enforcement objective.

14 55. Defendants- Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
15 Bermudez DOES 1-4, acting under color of state law, thus violated the Fourteenth  
16 Amendment rights of DECEDENT and Plaintiffs.

17 56. As a direct and proximate cause of the acts of Arturo Castillo, Cody  
18 Wissler, Jesus Garcia and Jason Bermudez DOES 1-4, DECEDENT experienced  
19 severe pain and suffering and lost his life and earning capacity. Plaintiffs suffered  
20 extreme and severe mental anguish and pain and have been injured in mind and  
21 body. Plaintiffs have also been deprived of the life-long love, companionship,  
22 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
23 be so deprived for the remainder of their natural lives. Plaintiffs are also claiming  
24 funeral and burial expenses.

25 57. As a result of the conduct of Arturo Castillo, Cody Wissler, Jesus  
26 Garcia and Jason Bermudez Does 1-4, they are liable for DECEDENT'S injuries,  
27 either because they were integral participants in the denial of due process, or  
28 because they failed to intervene to prevent these violations.

1 58. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
2 Bermudez -DOES 1-4 was willful, wanton, malicious, and done with reckless  
3 disregard for the rights and safety of DECEDENT and Plaintiffs and therefore  
4 warrants the imposition of exemplary and punitive damages as to Defendants  
5 Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez -DOES 1-4.

6 59. Plaintiffs brings this claim individually and seek wrongful death  
7 damages for the violation of Plaintiffs' rights.

8 60. Plaintiffs also seek attorney fees under this claim.

9  
10 **FOURTH CLAIM FOR RELIEF**

11 **Battery (Cal. Govt. Code § 820)**

(Survival and Wrongful Death)

12 (By All Plaintiffs Against Defendants Arturo Castillo, Cody Wissler and Jesus  
13 Garcia, Jason Bermudez -DOES 1-4 and CITY)

14 61. -Plaintiffs repeat and realleges each and every allegation in  
15 paragraphs 1 through 60 of this Complaint with the same force and effect as if fully  
16 set forth herein.

17 62. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez  
18 DOES 1-4, while working as police officers for the CITY's police department, and  
19 while acting within the course and scope of their duties, intentionally shot  
20 DECEDENT. As a result of the actions of Arturo Castillo, Cody Wissler, Jesus  
21 Garcia and Jason Bermudez -DOES 1-4, DECEDENT suffered severe pain and  
22 suffering and ultimately died from his injuries and lost earning capacity. Arturo  
23 Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez -DOES 1-4 had no legal  
24 justification for using force against DECEDENT and said defendants' use of force  
25 while carrying out their police officer duties was an unreasonable use of force.  
26 DECEDENT was walking at a slow pace during the incident, he never ran or  
27 charged at the involved officers, DECEDENT was already injured and appeared to  
28 be suffering from self-inflicted wounds, including bleeding from the wrist, when

1 police encountered DECEDENT, and the involved officers saw DECEDENT  
2 displaying obvious signs of suffering from a possible mental health crisis prior to  
3 the shooting. Further, DECEDENT never physically injured another person during  
4 the incident, nor did he attempt to do so, and there were several less than lethal  
5 alternatives to using deadly force against DECEDENT.

6 63. As a direct and proximate result of Defendants' conduct as alleged  
7 above, Plaintiffs suffered extreme and severe mental anguish and pain and have  
8 been injured in mind and body. Plaintiffs also have been deprived of the life-long  
9 love, companionship, comfort, support, society, care and sustenance of the  
10 DECEDENT, and will continue to be so deprived for the remainder of their natural  
11 lives. Plaintiffs are also claiming funeral and burial expenses and loss of financial  
12 support.

13 64. CITY is vicariously liable for the wrongful acts of Arturo Castillo,  
14 Cody Wissler, Jesus Garcia and Jason Bermudez DOES 1-4 pursuant to section  
15 815.2(a) of the California Government Code, which provides that a public entity is  
16 liable for the injuries caused by its employees within the scope of the employment if  
17 the employee's act would subject him or her to liability.

18 65. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
19 Bermudez DOES 1-4 was malicious, wanton, oppressive, and accomplished with a  
20 conscious disregard for the rights of Plaintiffs and DECEDENT, entitling Plaintiffs,  
21 individually and as successors-in-interest to DECEDENT, to an award of exemplary  
22 and punitive damages.

23 66. Plaintiffs bring this claim both individually and as a successors-in-  
24 interest to DECEDENT, and seek both survival damages, including pre-death pain  
25 and suffering, loss of life/enjoyment of life and wrongful death damages under this  
26 claim.

**FIFTH CLAIM FOR RELIEF**  
**Negligence (Cal. Govt. Code § 820)**  
(Survival and Wrongful Death)  
(By All Plaintiffs Against All Defendants)

67. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 59 of this Complaint with the same force and effect as if fully set forth herein.

68. The actions and inactions of the Defendants were negligent and reckless, including but not limited to:

- (a) the failure to properly and adequately assess the need to detain, arrest, and use force or deadly force against DECEDENT;
- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (d) the failure to recognize that DECEDENT was possibly suffering from a mental health crisis;
- (d) failure to recognize that DECEDENT was holding a flathead screwdriver and not a weapon such as a knife or a gun;
- (e) the failure to use less than lethal alternatives to deadly force that were readily available to the involved officers;
- (e) the failure to summons and provide prompt medical care to Decedent;
- (f) the failure to properly train and supervise employees, both professional and non-professional, including- Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez DOES 1-4;



- 1 (g) the failure to ensure that adequate numbers of employees with  
2 appropriate education and training were available to meet the  
3 needs of and protect the rights of DECEDENT; and  
4 (h) the negligent handling of evidence and witnesses.

5 69. As a direct and proximate result of Defendants' conduct as alleged  
6 above, and other undiscovered negligent conduct, DECEDENT was caused to suffer  
7 severe pain and suffering and ultimately died and lost earning capacity. Further, as  
8 a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs  
9 suffered extreme and severe mental anguish and pain and have been injured in mind  
10 and body. Plaintiffs also have been deprived of the life-long love, companionship,  
11 comfort, support, society, care and sustenance of DECEDENT, and will continue to  
12 be so deprived for the remainder of their natural lives. Plaintiffs also is claiming  
13 funeral and burial expenses and loss of financial support.

14 70. CITY is vicariously liable for the wrongful acts of Arturo Castillo,  
15 Cody Wissler, Jesus Garcia and Jason Bermudez ~~DOES 1-4~~ pursuant to section  
16 815.2 of the California Government Code, which provides that a public entity is  
17 liable for the injuries caused by its employees within the scope of the employment if  
18 the employee's act would subject him or her to liability.

19 71. Plaintiffs bring this claim both individually and as successor in interest  
20 to DECEDENT and seek both wrongful death damages and survival damages under  
21 this claim, including pre-death pain and suffering.

22  
23 **SIXTH CLAIM FOR RELIEF**

24 **Violation of Bane Act (Cal. Civil Code § 52.1)**

25 (By All Plaintiffs Against- Arturo Castillo, Cody Wissler, Jesus Garcia, Jason  
26 Bermudez ~~Does 1-4~~ and City)

1 72. Plaintiffs repeat and reallege each and every allegation in  
2 paragraphs 1 through 64 of this Complaint with the same force and effect as if fully  
3 set forth herein.

4 73. California Civil Code, Section 52.1 (the Bane Act), prohibits any  
5 person from interfering with another person's exercise or enjoyment of his  
6 constitutional rights by threats, intimidation, or coercion.

7 74. Conduct that violates the Fourth Amendment can also amount to  
8 conduct that violates the California Bane Act. The involved officers' conduct,  
9 including the use of deadly force, constitutes threatening and intimidating behavior,  
10 meant to prevent DECEDENT from exercising both her federal and state rights.

11 75. Defendants' Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
12 Bermudez DOES 1-4 use of deadly force was excessive and unreasonable under the  
13 circumstances, especially since DECEDENT was only holding a flathead  
14 screwdriver and was not armed with a weapon like a knife or a gun and was walking  
15 at a slow pace and never ran or charged at the involved officers. DECEDENT also  
16 never made any slashing or stabbing motions with the screwdriver nor did he try to  
17 injury any other person with the screwdriver. Further, DECEDENT never caused or  
18 attempted to cause bodily harm to anyone else, including the involved officers  
19 during the incident and he never attempted to obtain any of the involved officers'  
20 equipment or guns. Further, DECEDENT did not pose an imminent threat of death  
21 or serious bodily injury towards anyone when he was fatally shot and there were less  
22 than lethal alternatives available which were not utilized before resorting to the use  
23 of deadly force. DECEDENT was also displaying obvious signs of suffering from a  
24 mental health crisis, including bleeding from what appeared to be self-inflicted  
25 wounds to his wrist, Defendants' actions thus deprived DECEDENT of his right to  
26 be free from unreasonable searches and seizures and to be free from having  
27 unreasonable and excessive force used against him. Defendants' actions violated  
28 DECEDENT's state and federal rights, including the right to be free from the use of

1 excessive and unreasonable force. Further, the involved officers acted with a  
2 reckless disregard of constitutional and statutory rights of the DECEDENT,  
3 including the right to be free from having unreasonable and excessive deadly force  
4 used against him.

5 76. The involved officers intentionally used excessive and unreasonable  
6 deadly force against DECEDENT by recklessly disregarding the DECEDENT's  
7 right to be free from excessive force.

8 77. Arturo Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez  
9 ~~DOES 1-4~~, while working as police officers for the CITY's police department, and  
10 acting within the course and scope of their duties, interfered with or attempted to  
11 interfere with the rights of DECEDENT to be free from unreasonable searches and  
12 seizures, to equal protection of the laws, to access to the courts, and to be free from  
13 state actions that shock the conscience, by threatening or committing acts involving  
14 violence, threats, coercion, or intimidation.

15 78. On information and belief, DECEDENT reasonably believed that if he  
16 exercised his rights, including his federal civil rights and state law rights, Arturo  
17 Castillo, Cody Wissler, Jesus Garcia and Jason Bermudez ~~DOES 1-4~~ would commit  
18 acts involving violence, threats, coercion, or intimidation against him.

19 79. On information and belief Defendants Arturo Castillo, Cody Wissler,  
20 Jesus Garcia and Jason Bermudez ~~DOES 1-4~~ injured DECEDENT to prevent him  
21 from exercising his rights or retaliated against Decedent for having exercised his  
22 rights.

23 80. DECEDENT was caused to suffer extreme pain and suffering and  
24 eventually suffered a loss of life and of earning capacity. Plaintiffs have also been  
25 deprived of the life-long love, companionship, comfort, support, society, care, and  
26 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
27 her natural life. Plaintiffs are also claiming funeral and burial expenses and a loss of  
28 financial support.

1 81. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
2 Bermudez DOES 1-4 was a substantial factor in causing the harms, losses, injuries,  
3 and damages of DECEDENT and Plaintiffs.

4 82. CITY is vicariously liable for the wrongful acts of Arturo Castillo,  
5 Cody Wissler, Jesus Garcia and Jason Bermudez DOES 1-4 pursuant to section  
6 815.2(a) of the California Government Code, which provides that a public entity is  
7 liable for the injuries caused by its employees within the scope of the employment if  
8 the employee's act would subject him or her to liability.

9 83. The conduct of Arturo Castillo, Cody Wissler, Jesus Garcia and Jason  
10 Bermudez DOES 1-4 was malicious, wanton, oppressive, and accomplished with a  
11 conscious disregard for the rights of DECEDENT entitling Plaintiffs to an award of  
12 exemplary and punitive damages.

13 84. Plaintiffs bring this claim in a representative capacity as the successors-  
14 in-interest to DECEDENT, and seek survival damages, including for pre-death pain  
15 and suffering and loss of life/enjoyment of life for the violation of DECEDENT's  
16 rights.

17 85. The Plaintiffs also seek statutory attorney's fees under this claim,  
18 including a multiplier as permitted by law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request entry of judgment in her favor and against Defendants City of Torrance, Arturo Castillo, Cody Wissler, Jesus Garcia, Jason Bermudez and Does ~~64~~-10, inclusive, as follows:

- A. For compensatory damages, including both survival damages, including pain and suffering and loss of life/enjoyment of life and wrongful death damages under state law and federal law, in the amount to be proven at trial;
- B. For funeral and burial expenses and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For interest;
- E. For treble damages under Civil Code Section 52.1.
- F. For reasonable costs of this suit and attorneys' fees; and
- G. For such further other relief as the Court may deem just, proper, and appropriate.

1  
2  
3 DATED: April 16, 2024

LAW OFFICES OF DALE K. GALIPO

4  
5 By \_\_\_\_\_

6 Dale K. Galipo

7 Eric Valenzuela

8 Attorneys for Plaintiffs  
9  
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11  
12

13 **DEMAND FOR JURY TRIAL**

14  
15 Plaintiffs hereby demand a trial by jury.  
16

17 DATED: April 16, 2024

LAW OFFICES OF DALE K. GALIPO

18  
19  
20 By \_\_\_\_\_

21 Dale K. Galipo

22 Eric Valenzuela

23 Attorneys for Plaintiffs  
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